

REMARKS

Claims 1, 2 and 5-9 are all the claims pending in the application.¹ Claims 1, 2 and 5-9 are rejected. Claims 1, 8 and 9 have been amended. Support for the weight ratio recited can be found at least at page 11 of the specification, and the other amendments are of a clarifying (but not scope reducing) nature. No new matter has been introduced. Entry of the amendment along with reconsideration and review of the claims on the merits are respectfully requested.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 1, 2 and 5-9 are rejected for alleged failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is indicated that the phrase, "...an uneven portion of the supporting substrate having a shape extending in the vertical direction against the longitudinal direction being disposed on one side of the supporting substrate," does not adequately define the structure of the adhesive tape "supporting substrate."

¹ In the Office Action dated August 2, 2006, the Examiner may have inadvertently indicated that claims 1-9 are all the claims pending in the application. Applicants note that claims 3 and 4 were canceled in the Amendment filed May 10, 2006.

Additionally, per the Examiner's request (*see* August 2, 2006 Action, page 2, paragraph 2), Applicants herein note, on the record, the amendment to claim 5 of --is transparent-- for "has transparency," submitted on May 10, 2006.

The Examiner will kindly see Figures 3A and 3B and the corresponding description in the specification at pages 12-14 which adequately describe the structure of the supporting substrate. Claim 1 has been amended to more clearly recite the intended structure.

In the Examiner's view, the use of term "contains" in line 8 seems inappropriate for a mixture which is understood to potentially comprise virtually the entire polymeric composition of the "plastic film" (line 7; this term should also be defined here as the --supporting substrate--). Claim 1 has been amended to recite "comprising" rather than "contains" to use more traditional transition terminology. Certainly, the main components of the composition are defined in claim 1. The specification gives more than adequate guidance as to optional ingredients from the standpoint of the skilled artisan.

The Examiner states that virtually no low-density polyethylene having alleged superior density properties is required to be present in the "supporting substrate" of a number of claimed embodiments. For purposes of advancing prosecution, claim 1 has been amended to recite a ratio of high-density polyethylene ("HDPE") to low-density polyethylene ("LDPE") within a range of from 10/90 to 90/10 weight percent. See specification at page 11, lines 6-11.

The Examiner also finds that in claim 1, the terms "adhesive tape," "supporting substrate," and "plastic film" appear to be used somewhat interchangeably, thereby potentially rendering the claim confusing. Applicants respectfully submit that the term "adhesive tape" is not used interchangeably with the terms "substrate" or "plastic film", as the tape includes the

adhesive layer and the substrate. Nonetheless, for purposes of clarity, claim 1 has been amended to address the Examiner's concerns.

Additionally, the Examiner notes a number of minor grammatical issues with respect to claims 1, 2 and 5-9. Applicants thank the Examiner for his notations and have addressed such issues in the present claim amendment.

Objections under 35 U.S.C. §112, first paragraph

It is the Examiner's position that the specification lacks adequate written description support and an enabling disclosure.

The Examiner asserts that Applicants have not adequately responded to the inquiry regarding the embodiment of Example 2 versus those of Examples 1, 3 and 5. More specifically, the Examiner continues to ask “why the embodiment of Example 2 appears to be completely satisfactory, while the embodiments of Comparative Examples 1, 3 and 5, all of which are formed from the virtually identical blend of 70% LDPE/30% HDPE appear to exhibit significantly inferior results?” The Examiner states that it is unclear as to how density differences in the polymeric blends which make up the various film supports result in marked changes in properties of the films formed from the resulting compositions, in what is generally believed to be a relatively predictable art.

These objections are respectfully traversed. The data in the referenced Examples is based on measured results. There is no legal basis to object to the specification on 112/¶1 grounds. The marked changes in properties are attributable to the optimal blends determined by

Applicants, though the LDPE and HDPE densities of Applicants' blends differ only slightly from those blends of embodiments which do not exhibit superior results. Further, there is no statutory basis to require disclosure of why an invention works. An inventor does not need to know how or why the invention works in order to obtain a patent. *See Newman v. Quigg*, 877 F.2d 1575, 1581, 11 USPQ2d 1340, 1345 (Fed. Cir. 1989). To satisfy the enablement requirement of section 112, an application must disclose the claimed invention in sufficient detail to enable a person of ordinary skill in the art to make and use the claimed invention. To satisfy the written description requirement of section 112, the description must show that the applicant was in possession of the claimed invention at the time of filing. Both of these statutory requirements are satisfied here.

Withdrawal of the objections is respectfully requested.

Rejections under 35 U.S.C §103

Claims 1, 2, and 5-9 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chang or Brown et al '957, each taken in view of Ishikawa et al for the reasons set forth in Paragraph No. 5 of paper No. 010506 (May 10, 2006) and the following additional observations.

The Examiner suggests that Applicants amend claim 1 to recite a minimum quantity of the LDPE. Claim 1 has been amended to recite a minimum quantity of LDPE in terms of weight percent ratio of HDPE to LDPE. Thus, the claims are now more commensurate in scope with the evidence establishing patentability.

Further, the Examiner argues that the data of record is not fully commensurate in scope with the claim language, because there are insufficient examples of LDPE/HDPE blends where the LDPE has a density within the claimed ranges.

Applicants respectfully disagree and maintain that the evidence of record in the working Examples clearly rebuts any inference of *prima facie* obviousness. To establish *prima facie* obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art. The previous incorporation of a density range for at least the LDPE component and weight percent ratio of HDPE to LDPE recitation in claim 1 as presently amended, overcomes any basis for the obviousness rejection. Neither Chang nor Brown discloses or teaches a density range for the LDPE equal to or less than 0.919 g/cm³. Further, the density values of 0.920 g/cm³ and 0.960 g/cm³, disclosed by Ishikawa (see Table 3, column 8) each fall outside the presently incorporated density range for the LDPE. Moreover, the none of the cited references teach the presently recited ratios of HDPE to LDPE.

Applicants also submit that superior properties are attributable to the optimal blends determined by Applicants and recited in the present claims, even though the LDPE and HDPE densities of Applicants' blends may differ only slightly from those blends of comparative embodiments.

Withdrawal of the rejection under section 103 is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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